

**REMARKS**

- (1) Claims 1 and 20-38 are pending in this application.
- (2) Claims 2-19 have been cancelled without prejudice.
- (3) Claims 1, 37 and 38 are independent.
- (4) Claims 1, 27, 29, and 37-38 are amended hereby.
- (5) The applicants respectfully thank the Examiner for indicating that the Affidavit filed on March 30, 2008 under 37 CFR 1.131 is sufficient to overcome HBCI Interface Specification Version 2.1.

**Objections due to certain informalities**

- (1) In the Office Action of September 2, 2008, the Examiner has objected to claims 1 and 37 because of certain informalities; to wit: in claim 1, a colon should be inserted after "the steps of" in line 2; and, in claim 37, a colon should be inserted after "the steps of" in line 2 and a semicolon should be inserted in line 3.

The applicants respectfully submit that that they have made amendments to claims 1 and 37 hereinabove to address the objections of the Examiner.

- (2) Based on the amendments made herein above, the applicants respectfully submit that they have overcome the Examiner's objection to claims 1 and 37 because of certain informalities.

**Rejection under 35 USC §112, second paragraph**

(1) In the Office Action of September 2, 2008, the Examiner has rejected claims 1, 27, 29 and 37-38 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

(2) The Examiner has rejected Claims 1 and 37-38 with respect to reciting the limitation of the “the radiotelephone end” and indicating that there is insufficient antecedent basis for this limitation in the claims. The Examiner further indicated that it is confusing to put both “mobile radiotelephone” and “mobile station” in the same claim while they are both directed to the same device.

The applicant has made amendments to claim 1 and 37-38 in order to address the concerns of the Examiner with respect to the rejection under 35 USC §112, second paragraph.

(3) The Examiner has rejected Claim 27 with respect to reciting the limitation of “the generation of a key” in lines 1-2, and indicating that there is insufficient antecedent basis for this limitation in the claims.

The applicants respectfully submit that the basis for “the generation of a key” can be found in the Specification at pages 5-7 where it is described in detail. Claim 27 has been amended hereinabove by deleting the word “the” from in front of the generation step recital in order to address the concerns of the Examiner with respect to the rejection under 35 USC §112, second paragraph.

(4) The Examiner has rejected Claim 29 with respect to reciting the limitation of “the mobile radiotelephone network operator” in line 2, and indicating that there is insufficient antecedent basis for this limitation in the claims.

The applicants respectfully submit that Claim 29 has been amended hereinabove by deleting the word “the” from in front of “radiotelephone network operator” and substituting therefore “a” in order to address the concerns of the Examiner with respect to the rejection under 35 USC §112, second paragraph.

(5) The Examiner has rejected Claim 37 with respect to reciting the limitation of “the HBCI gateway” in lines 10-11, and indicating that there is insufficient antecedent basis for this limitation in the claims.

The applicants respectfully submit that Claim 37 has been amended hereinabove to address the concerns of the Examiner with respect to the rejection under 35 USC §112, second paragraph.

(6) Based on the amendment made herein above, the applicant respectfully submits that they have overcome the Examiner’s rejection of claims 1, 27, 29 and 37-38 under 35 USC §112, second paragraph, as being indefinite.

**Rejection under 35 USC §103(a)**

(1) In the present Office Action, the Examiner has rejected claims 1, 20-21, 24-25 and 37-38 under 35 USC §103(a) as being unpatentable over U.S. Patent Publication No. US2001/0014615 (U.S. Patent No. 6,466,783) for a Visual Interface To Mobile Subscriber Account Services, published for Dahm et al. on August 16, 2001 (hereinafter referred to as “**Dahm**”) in view of U.S. Patent No. 6,169,890 for a Mobile Telephone System And Method For Carrying Out Financial Transactions Using A Mobile Telephone System, issued January 2, 2001, to Vatanen (hereinafter referred to as “**Vatanen**”).

In making the rejection, the Examiner has stated that: **Dahm** teaches “splitting of the customer end systems into two components, the mobile station (106 of Fig. 1 and said communications gateway (114 of Fig. 1).”

The applicants respectfully submit that the Examiner has misapplied the teachings of **Dahm** by attempting to unite the mobile station (106) of **Dahm** with the proxy server (114) to arrive at a customer end having two components. Indeed, **Dahm** teaches that: "The server device (also referred to as proxy server herein), generally controlled by a wireless service carrier, provides the mobile subscriber with account services ..." (**Dahm** at col. 2, lines 21-23). Thus, the communications gateway of **Dahm**, though accessible via an airnet, is not part of the customer end.

Additionally, while **Dahm** teaches a visual interface at the mobile device so that the system user (mobile operator) can access customer account information, there is no teaching nor suggestion in **Dahm** as to how the features of **Dahm** can be applied for use with internet based banking services where the communications gateway is on the customer end.

Thus, based on the Remarks herein above, the applicant respectfully submits that there is no teaching nor suggestion that the elements of **Dahm** should be combined with the elements of **Vatanen**, or any other related prior art, to achieve what the applicants have achieved. And, indeed, if such combination were to be made, the result would not be the applicants' claimed invention.

The applicant respectfully submits that as they have traversed the rejection of the Examiner with respect to independent base claims 1, 37 and 38, that claims 20-21, 24-25 which depend from claim 1 enjoy the benefits of the parent and are, likewise, allowable at least for the reasons articulated in the Remarks made in section (1) hereinabove.

The applicant respectfully submits that they have traversed the rejection by the Examiner of claims 1, 20-21, 24-25 and 37-38 under 35 USC §103(a) for being unpatentable over **Dahm** in view of **Vatanen**.

(2) In the present Office Action, the Examiner has rejected claims 22-23 and 36 under 33 USC §103(a) as being unpatentable over **Dahm** in view of **Vatanen** and U.S. Patent No.

6,868,391 for a Tele/DataCommunications Payment Method and Apparatus issued March 15, 2005 to Hultgren (hereinafter referred to as "**Hultgren**").

The applicant respectfully submits that as they have traversed the rejection of the Examiner with respect to independent base claims 1, 37 and 38 and that claims 22-23 and 36 which depend from claim 1 enjoy the benefits of the parent and are, likewise, allowable at least for the reasons articulated in the Remarks made in section (1) hereinabove.

The applicant respectfully submits that they have traversed the rejection by the Examiner of claims 22-23 and 36 under 35 USC §103(a) for being unpatentable over **Dahm** in view of **Vantanen** and **Hultgren**.

(3) In the present Office Action, the Examiner has rejected claims 26-28, 30-31, 34 and 37 under 33 USC §103(a) as being unpatentable over **Dahm** in view of **Vatanen** and HBCI and Interview with CG.

The applicant respectfully submits that as they have traversed the rejection of the Examiner with respect to independent base claims 1, 37 and 38, that claims 26-28, 30-31, and 34 which depend from claim 1 enjoy the benefits of the parent and are, likewise, allowable at least for the reasons articulated in the Remarks made in section (1) hereinabove. Further, as discussed in the Remarks in section (1) hereinabove, there is no teaching nor suggestion that the elements of **Dahm** should be combined with the elements of **Vatanen**, to achieve what the applicants have achieved. And, indeed, if such combination were to be made, the result would not be the applicants' claimed invention. Therefore, without the combination of **Dahm** and **Vatanen**, there is no reason to further combine the elements of HBCI and the Interview with CG.

The applicant respectfully submits that they have traversed the rejection by the Examiner of claims 26-28, 30-31, 34 and 37 under 35 USC §103(a) for being unpatentable over **Dahm** in view of **Vantanen** and HBCI and the Interview with CG.

(4) In the present Office Action, the Examiner has rejected claims 29 and 33 under 33 USC §103(a) as being unpatentable over **Dahm** in view of **Vatanen** and U.S. Patent No. 4,288,659 for a Method And Means For Securing The Distribution Of Encoding Keys, issued September 8, 1981 to Atalla (hereinafter referred to as "**Atalla**").

The applicant respectfully submits that as they have traversed the rejection of the Examiner with respect to independent base claims 1, 37 and 38, that claims 29 and 33 which depend from claim 1 enjoy the benefits of the parent and are, likewise, allowable at least for the reasons articulated in the Remarks made in section (1) hereinabove. Further, as discussed in the Remarks in section (1) hereinabove, there is no teaching nor suggestion that the elements of **Dahm** should be combined with the elements of **Vatanen**, to achieve what the applicants have achieved. And, indeed, if such combination were to be made, the result would not be the applicants' claimed invention. Therefore, without the combination of **Dahm** and **Vatanen**, there is no reason to further combine the elements of **Atalla**.

(5) In the present Office Action, the Examiner has rejected claim 32 under 33 USC §103(a) as being unpatentable over **Dahm** in view of **Vatanen** and HCBI and Interview with CG and **Fujioka**.

The applicant respectfully submits that as they have traversed the rejection of the Examiner with respect to independent base claims 1, 37 and 38, that claim 32 which depends from claim 1 enjoys the benefits of the parent and is, likewise, allowable at least for the reasons articulated in the Remarks made in section (1) hereinabove. Further, as discussed in the Remarks in section (1) hereinabove, there is no teaching nor suggestion that the elements of **Dahm** should be combined with the elements of **Vatanen**, to achieve what the applicants have achieved. And, indeed, if such combination were to be made, the result would not be the applicants' claimed invention. Therefore, without the combination of **Dahm** and **Vatanen**, there is no reason to further combine the elements of **Fujioka**.

(6) In the present Office Action, the Examiner has rejected claim 35 under 33 USC §103(a) as being unpatentable over **Dahm** in view of **Vatanen** and **Elgamel**.

The applicant respectfully submits that as they have traversed the rejection of the Examiner with respect to independent base claims 1, 37 and 38, that claim 32 which depends from claim 1 enjoys the benefits of the parent and is, likewise, allowable at least for the reasons articulated in the Remarks made in section (1) hereinabove. Further, as discussed in the Remarks in section (1) hereinabove, there is no teaching nor suggestion that the elements of ***Dahm*** should be combined with the elements of ***Vatanen***, to achieve what the applicants have achieved. And, indeed, if such combination were to be made, the result would not be the applicants' claimed invention. Therefore, without the combination of ***Dahm*** and ***Vatanen***, there is no reason to further combine the elements of ***Elgamel***.

**Conclusion**

- (1) Applicant respectfully submits that claims 1, 20-21, 24-25 and 37-38 are allowable for at least the reasons noted hereinabove. A Notice of Allowance is therefore respectfully requested hereby.
- (2) The Commissioner is hereby authorized to charge any fees which may be necessary for the consideration of this communication, or any additional fees required during examination of this application, and to credit any overpayment to Deposit Account No. 10-0100 (Attorney Docket No. RIEBL.P-44-MG).

Respectfully submitted,

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Date



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